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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,302	08/04/2003	John B. Howard	077943-0166	3432
22428	7590	01/03/2006	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			PHAN, DAO LINDA	
			ART UNIT	PAPER NUMBER
			3662	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/633,302	HOWARD, JOHN B.	
Examiner	Art Unit		
Dao L. Phan	3662		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 10 November 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-97 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 17,24-47,49-51,76-84,86-89,91-93,96 and 97 is/are allowed.

6)  Claim(s) 1-16,18-26 and 53-75 is/are rejected.

7)  Claim(s) 48, 52, 85, 90, 94-95 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

1. Amendment received on 11/10/05 has been entered in this application.
2. Claims 48, 52, 85, 90, 94-95 are objected to because the withdrawn claims 48, 52, 85, 90, 94-95 should be cancelled.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-16, 18-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith (US 2003/0001722) or Black (US 2001/0055411).

Smith teaches an intelligent label including a radio frequency transponder 34 coupled to a fingerprint sensor system (41, paragraph 0017, 0043-0044), and a thin sheeted substrate 21, the radio frequency transponder 34 and the fingerprint sensor system (41, par. 0017, 0043-0044) being attached to the substrate.

Black teaches an intelligent label including a radio frequency transponder (paragraph 0051-0054) coupled to a fingerprint sensor system (fig. 1b), and a thin sheeted substrate, the radio frequency transponder (par. 0051-0054) and the fingerprint sensor system (fig. 1b) being attached to the substrate.

5. Claims 53-75 are rejected under 35 U.S.C. 102(b) as being anticipated by Bickley et al (Pat. No. 5,430,441) or Tyren et al (Pat. No. 5,557,085).

Bickley et al teach an intelligent label including a radio frequency transponder 14 coupled to a magnetic field sensing system (abstract; col 9, lines 23-31) adapted to determine at least one of (a) direction (b) heading (c) position and (d) movement based on a sensed magnetic field, and a thin sheeted substrate 20, the radio frequency transponder 14 and the magnetic field sensing system (abstract; col 9, lines 23-31) being attached to the substrate.

Tyren et al teach an intelligent label including a radio frequency transponder 11 coupled to a magnetic field sensing system 16 adapted to determine at least one of (a) direction (b) heading (c) position and (d) movement based on a sensed magnetic field, and a thin sheeted substrate 17, the radio frequency transponder 11 and the magnetic field sensing system 16 being attached to the substrate.

6. Claims 17, 27-47, 49-51, 76-84, 86-89, 91-93, 96-97 are allowed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao L. Phan whose telephone number is (571)272-6976. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (571)272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patent Examiner  
[Signature]